

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

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|------------------------|---|--------------------------------------|
| WALTER MAY, II, | : | CIVIL ACTION NO. 1:07-CV-1787 |
| | : | |
| Plaintiff | : | (Judge Conner) |
| | : | |
| v. | : | |
| | : | |
| P.A. JONES, | : | |
| | : | |
| Defendant | : | |

ORDER

_____AND NOW, this 12th day of February, 2008, upon consideration of plaintiff's "declaration for entry of default" (Doc. 14), in which he seeks an entry of default because defendant "failed to answer or otherwise defend" his complaint within sixty days of service, and it appearing that defendant chose not to execute a waiver of service of summons, see FED. R. CIV. P. 4(d)(2), but rather, waived personal service of the complaint upon the filing motion of his motion to dismiss (Docs. 15-16), it is hereby ORDERED that request for entry of default (Doc. 14) is DENIED.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge